

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 17, 2006

CALL TO PODIUM:

Pat Patula

RESPONSIBLE STAFF:

Caroline Seiden, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	8/28/2002
	9/04/2002
Hearing Date	9/17/2002
Record Held Open	1/07/2003
Policy Discussion	1/07/2003

TITLE:**Resolution of Withdrawal**

Z-294 Applicant requests withdrawal of application for Zoning Map Amendment Z-294. Application had requested rezoning of 23.4 acres of land, formerly known as a portion of Parcel 910 and Outlot 1B, now known as portions of Parcels P360, P563 and N455, Casey East, located at the northwest intersection of MD Route 355 (North Frederick Avenue) and Watkins Mill Road, in the City of Gaithersburg, from the existing I-3 (Industrial Office Park) Zone to the C-2 (General Commercial) Zone in accordance with Section 24-196 (map amendments) of the City Code.

SUPPORTING BACKGROUND:

On May 19, 2005, Gary Unterberg, RLA, Rodgers Consulting, wrote a letter on behalf of the applicant, BP Realty Investments, LLC, withdrawing Zoning Map Amendment Z-294. This letter was submitted in conjunction with a new zoning map amendment application for the same property, Z-301, which is currently under review.

Attached is the letter of withdrawal and the proposed resolution of withdrawal.

Attachments:

1. Letter to Greg Ossont from Gary Unterberg, May 19, 2005
2. Resolution

DESIRED OUTCOME:

Adopt resolution



Enhancing the value of land assets

May 19, 2005

City of Gaithersburg
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, MD 20877

Attention: Mr. Greg Ossont, Director

Re: Parcels 360, 563, and N455
MXD Zoning Application

Dear Greg,

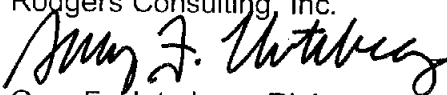
On behalf of BP Realty Investments, LLC we are submitting the MXD zoning application for Parcels 360, 563, and N455 (formerly Part of Parcel 910 and Outlot 1B). Zoning application Z-294 was submitted for the above mentioned parcels and has been withdrawn without prejudice. Per discussion with the City staff the C-2 zoning application fee of \$1,340 will be credited this application.

Enclosed are the following:

10 Copies of the Zoning Application (includes MXD sketch plan map, legal metes and bounds)
Zoning Application
Application Fee \$540 (\$1,880 MXD zoning minus Z-294 \$1,340 credit, & receipts)
List of Adjacent Owners
Statement

Please feel free to contact me if you have any questions, comments or concerns.

Sincerely,
Rodgers Consulting, Inc.


Gary F. Unterberg, RLA
Vice President

cc: P. Henry BP Realty
B. Kline BP Realty
J. Kline, MMC
D. Carter, DCS
R. Atkinson, DCS
W. Guckert, TTC

Fred Felton, City
Jim Arnoult, DPW
J. Carman, RCI
File

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Resolution No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG
ACCEPTING THE REQUEST TO WITHDRAW WITHOUT PREJUDICE ZONING MAP
AMENDMENT Z-294, REZONING OF 23.4 ACRES OF LAND, NOW KNOWN AS
CASEY EAST (FORMERLY A PORTION OF PARCEL 910 AND OUTLOT 1B, NOW
PORTIONS OF PARCELS P360, P563, AND N455), LOCATED AT THE
NORTHWEST INTERSECTION OF MD ROUTE 355 (NORTH FREDERICK AVENUE)
AND WATKINS MILL ROAD, IN THE CITY OF GAITHERSBURG, FROM THE
EXISTING I-3 (INDUSTRIAL OFFICE PARK) ZONE TO THE C-2 (GENERAL
COMMERCIAL) ZONE IN ACCORDANCE WITH SECTION 24-196 (MAP
AMENDMENTS) OF THE CITY CODE

WHEREAS, said application was subject to review before the Mayor and City Council and the Planning Commission; and

WHEREAS, Gary F. Unterberg, RLA, representing the applicant of Z-294, BP Realty Investments, LLC, has submitted a request to withdraw said application; and

WHEREAS, Section 24-196(h) of the Zoning Ordinance requires that an action permitting the withdrawal of a zoning map amendment application be by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that pursuant to the applicant's request, they do hereby accept and grant the request to withdraw without prejudice Zoning Map Amendment Z-294.

ADOPTED by the Mayor and City Council this 17th day of January, 2006.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 17th day
of January, 2006.

David B. Humpton, City Manager